

West Virginia Department of Environmental Protection
Division of Air Quality

Joe Manchin III
Governor

Stephanie R. Timmermeyer
Cabinet Secretary

Permit to Operate



Pursuant to
Title V
of the Clean Air Act

Issued to:
Thomas Memorial Hospital
R30-03900036-2006

John A. Benedict
Director

Issued: November 27, 2006 • Effective: December 11, 2006
Expiration: November 27, 2011 • Renewal Application Due: May 27, 2011

Permit Number: **R30-03900036-2006**
Permittee: **Thomas Memorial Hospital**
Mailing Address: **4605 MacCorkle Ave. SW, South Charleston, WV 25309**

This permit is issued in accordance with the West Virginia Air Pollution Control Act (West Virginia Code §§ 22-5-1 et seq.) and 45CSR30 — Requirements for Operating Permits. The permittee identified at the above-referenced facility is authorized to operate the stationary sources of air pollutants identified herein in accordance with all terms and conditions of this permit.

Facility Location:	South Charleston, Kanawha County, West Virginia
Mailing Address:	4605 MacCorkle Ave. SW, South Charleston, WV 25309
Telephone Number:	304-766-3600
Type of Business Entity:	Corporation
Facility Description:	The Consumat incinerator was designed to combust “Type O” waste at a capacity of 470 pounds per hour for 8 hours per 24-hour period, 52 weeks per year. The incinerator operating scenario is to combust medical waste as the incinerator was designed. An ISI model venturi/packed wet scrubber controls the air emissions from the incinerator.
SIC Codes:	8062
UTM Coordinates:	436.604 km Easting • 4,245.355 km Northing • Zone 17

Any person whose interest may be affected, including, but not necessarily limited to, the applicant and any person who participated in the public comment process, by a permit issued, modified or denied by the Secretary may appeal such action of the Secretary to the Air Quality Board pursuant to article one [§§ 22B-1-1 et seq.], Chapter 22B of the Code of West Virginia. West Virginia Code §22-5-14.

Issuance of this Title V Operating Permit does not supersede or invalidate any existing permits under 45CSR13, 14 or 19, although all applicable requirements from such permits governing the facility's operation and compliance have been incorporated into the Title V Operating Permit.

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Appendix A: Attachment #1 - Amount of Hospital/Medical/Infectious and/or Municipal Waste Incinerated
Appendix B: Certification of Data Accuracy

1.0 Emission Units

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed/Modified	Design Capacity	Control Device
1S	3E	Consumat Model C-125PA Incinerator with ML250A Ram Feeder (Venturi Packed Tower Scrubber with maximum pressure drop)	2000 ⁽¹⁾	470 lb/hr	1C

(1) The incinerator (emission unit) was installed in 1991 and the scrubber (control device) was added in 2000.

2.0 General Conditions

2.1. Definitions

- 2.1.1. All references to the "West Virginia Air Pollution Control Act" or the "Air Pollution Control Act" mean those provisions contained in W.Va. Code §§ 22-5-1 to 22-5-18.
- 2.1.2. The "Clean Air Act" means those provisions contained in 42 U.S.C. §§ 7401 to 7671q, and regulations promulgated thereunder.
- 2.1.3. "Secretary" means the Secretary of the Department of Environmental Protection or such other person to whom the Secretary has delegated authority or duties pursuant to W.Va. Code §§ 22-1-6 or 22-1-8 (45CSR§30-2.12.). The Director of the Division of Air Quality is the Secretary's designated representative for the purposes of this permit.

2.2. Acronyms

CAAA	Clean Air Act Amendments	NSPS	New Source
CBI	Confidential Business Information		Performance Standards
CEM	Continuous Emission Monitor	PM	Particulate Matter
CES	Certified Emission Statement	PM₁₀	Particulate Matter less than 10µm in diameter
C.F.R. or CFR	Code of Federal Regulations		
CO	Carbon Monoxide	pph	Pounds per Hour
C.S.R. or CSR	Codes of State Rules	ppm	Parts per Million
DAQ	Division of Air Quality	PSD	Prevention of Significant Deterioration
DEP	Department of Environmental Protection	psi	Pounds per Square Inch
FOIA	Freedom of Information Act	SIC	Standard Industrial Classification
HAP	Hazardous Air Pollutant		
HON	Hazardous Organic NESHAP	SIP	State Implementation Plan
HP	Horsepower		
lbs/hr or lb/hr	Pounds per Hour	SO₂	Sulfur Dioxide
LDAR	Leak Detection and Repair	TAP	Toxic Air Pollutant
M	Thousand	TPY	Tons per Year
MACT	Maximum Achievable Control Technology	TRS	Total Reduced Sulfur
		TSP	Total Suspended Particulate
MM	Million		
MMBtu/hr or mmbtu/hr	Million British Thermal Units per Hour	USEPA	United States Environmental Protection Agency
MMCF/hr or mmcf/hr	Million Cubic Feet Burned per Hour		
NA	Not Applicable	UTM	Universal Transverse Mercator
NAAQS	National Ambient Air Quality Standards	VEE	Visual Emissions Evaluation
NESHAPS	National Emissions Standards for Hazardous Air Pollutants	VOC	Volatile Organic Compounds
NO_x	Nitrogen Oxides		

2.3. Permit Expiration and Renewal

- 2.3.1. Permit duration. This permit is issued for a fixed term of five (5) years and shall expire on the date specified on the cover of this permit, except as provided in 45CSR§30-6.3.b. and 45CSR§30-6.3.c.
[45CSR§30-5.1.b.]
- 2.3.2. A permit renewal application is timely if it is submitted at least six (6) months prior to the date of permit expiration.
[45CSR§30-4.1.a.3.]
- 2.3.3. Permit expiration terminates the source's right to operate unless a timely and complete renewal application has been submitted consistent with 45CSR§30-6.2. and 45CSR§30-4.1.a.3.
[45CSR§30-6.3.b.]
- 2.3.4. If the Secretary fails to take final action to deny or approve a timely and complete permit application before the end of the term of the previous permit, the permit shall not expire until the renewal permit has been issued or denied, and any permit shield granted for the permit shall continue in effect during that time.
[45CSR§30-6.3.c.]

2.4. Permit Actions

- 2.4.1. This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
[45CSR§30-5.1.f.3.]

2.5. Reopening for Cause

- 2.5.1. This permit shall be reopened and revised under any of the following circumstances:
 - a. Additional applicable requirements under the Clean Air Act or the Secretary's legislative rules become applicable to a major source with a remaining permit term of three (3) or more years. Such a reopening shall be completed not later than eighteen (18) months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 45CSR§30-6.6.a.1.A. or B.
 - b. Additional requirements (including excess emissions requirements) become applicable to an affected source under Title IV of the Clean Air Act (Acid Deposition Control) or other legislative rules of the Secretary. Upon approval by U.S. EPA, excess emissions offset plans shall be incorporated into the permit.
 - c. The Secretary or U.S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
 - d. The Secretary or U.S. EPA determines that the permit must be revised or revoked and reissued to assure compliance with the applicable requirements.

[45CSR§30-6.6.a.]

2.6. Administrative Permit Amendments

- 2.6.1. The permittee may request an administrative permit amendment as defined in and according to the procedures specified in 45CSR§30-6.4.
[45CSR§30-6.4.]

2.7. Minor Permit Modifications

- 2.7.1. The permittee may request a minor permit modification as defined in and according to the procedures specified in 45CSR§30-6.5.a.
[45CSR§30-6.5.a.]

2.8. Significant Permit Modification

- 2.8.1. The permittee may request a significant permit modification, in accordance with 45CSR§30-6.5.b., for permit modifications that do not qualify for minor permit modifications or as administrative amendments.
[45CSR§30-6.5.b.]

2.9. Emissions Trading

- 2.9.1. No permit revision shall be required, under any approved economic incentives, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for in the permit and that are in accordance with all applicable requirements.
[45CSR§30-5.1.h.]

2.10. Off-Permit Changes

- 2.10.1. Except as provided below, a facility may make any change in its operations or emissions that is not addressed nor prohibited in its permit and which is not considered to be construction nor modification under any rule promulgated by the Secretary without obtaining an amendment or modification of its permit. Such changes shall be subject to the following requirements and restrictions:
- a. The change must meet all applicable requirements and may not violate any existing permit term or condition.
 - b. The permittee must provide a written notice of the change to the Secretary and to U.S. EPA within two (2) business days following the date of the change. Such written notice shall describe each such change, including the date, any change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change.
 - c. The change shall not qualify for the permit shield.
 - d. The permittee shall keep records describing all changes made at the source that result in emissions of regulated air pollutants, but not otherwise regulated under the permit, and the emissions resulting from those changes.
 - e. No permittee may make any change subject to any requirement under Title IV of the Clean Air Act (Acid Deposition Control) pursuant to the provisions of 45CSR§30-5.9.

- f. No permittee may make any changes which would require preconstruction review under any provision of Title I of the Clean Air Act (including 45CSR14 and 45CSR19) pursuant to the provisions of 45CSR§30-5.9.

[45CSR§30-5.9.]

2.11. Operational Flexibility

- 2.11.1. The permittee may make changes within the facility as provided by § 502(b)(10) of the Clean Air Act. Such operational flexibility shall be provided in the permit in conformance with the permit application and applicable requirements. No such changes shall be a modification under any rule or any provision of Title I of the Clean Air Act (including 45CSR14 and 45CSR19) promulgated by the Secretary in accordance with Title I of the Clean Air Act and the change shall not result in a level of emissions exceeding the emissions allowable under the permit.

[45CSR§30-5.8]

- 2.11.2. Before making a change under 45CSR§30-5.8., the permittee shall provide advance written notice to the Secretary and to U.S. EPA, describing the change to be made, the date on which the change will occur, any changes in emissions, and any permit terms and conditions that are affected. The permittee shall thereafter maintain a copy of the notice with the permit, and the Secretary shall place a copy with the permit in the public file. The written notice shall be provided to the Secretary and U.S. EPA at least seven (7) days prior to the date that the change is to be made, except that this period may be shortened or eliminated as necessary for a change that must be implemented more quickly to address unanticipated conditions posing a significant health, safety, or environmental hazard. If less than seven (7) days notice is provided because of a need to respond more quickly to such unanticipated conditions, the permittee shall provide notice to the Secretary and U.S. EPA as soon as possible after learning of the need to make the change.

[45CSR§30-5.8.a.]

- 2.11.3. The permit shield shall not apply to changes made under 45CSR§30-5.8., except those provided for in 45CSR§30-5.8.d. However, the protection of the permit shield will continue to apply to operations and emissions that are not affected by the change, provided that the permittee complies with the terms and conditions of the permit applicable to such operations and emissions. The permit shield may be reinstated for emissions and operations affected by the change:

- a. If subsequent changes cause the facility's operations and emissions to revert to those authorized in the permit and the permittee resumes compliance with the terms and conditions of the permit, or
- b. If the permittee obtains final approval of a significant modification to the permit to incorporate the change in the permit.

[45CSR§30-5.8.c.]

- 2.11.4. "Section 502(b)(10) changes" are changes that contravene an express permit term. Such changes do not include changes that would violate applicable requirements or contravene enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.

[45CSR§30-2.39]

2.12. Reasonably Anticipated Operating Scenarios

2.12.1. The following are terms and conditions for reasonably anticipated operating scenarios identified in this permit.

- a. Contemporaneously with making a change from one operating scenario to another, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating and to document the change in reports submitted pursuant to the terms of this permit and 45CSR30.
- b. The permit shield shall extend to all terms and conditions under each such operating scenario; and
- c. The terms and conditions of each such alternative scenario shall meet all applicable requirements and the requirements of 45CSR30.

[45CSR§30-5.1.i.]

2.13. Duty to Comply

2.13.1. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the West Virginia Code and the Clean Air Act and is grounds for enforcement action by the Secretary or USEPA; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

[45CSR§30-5.1.f.1.]

2.14. Inspection and Entry

2.14.1. The permittee shall allow any authorized representative of the Secretary, upon the presentation of credentials and other documents as may be required by law, to perform the following:

- a. At all reasonable times (including all times in which the facility is in operation) enter upon the permittee's premises where a source is located or emissions related activity is conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times (including all times in which the facility is in operation) any facilities, equipment (including monitoring and air pollution Control equipment), practices, or operations regulated or required under the permit;
- d. Sample or monitor at reasonable times substances or parameters to determine compliance with the permit or applicable requirements or ascertain the amounts and types of air pollutants discharged.

[45CSR§30-5.3.b.]

2.15. Schedule of Compliance

- 2.15.1. For sources subject to a compliance schedule, certified progress reports shall be submitted consistent with the applicable schedule of compliance set forth in this permit and 45CSR§30-4.3.h., but at least every six (6) months, and no greater than once a month, and shall include the following:
- a. Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and
 - b. An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventative or corrective measure adopted.

[45CSR§30-5.3.d.]

2.16. Need to Halt or Reduce Activity not a Defense

- 2.16.1. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. However, nothing in this paragraph shall be construed as precluding consideration of a need to halt or reduce activity as a mitigating factor in determining penalties for noncompliance if the health, safety, or environmental impacts of halting or reducing operations would be more serious than the impacts of continued operations.

[45CSR§30-5.1.f.2.]

2.17. Emergency

- 2.17.1. An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

[45CSR§30-5.7.a.]

- 2.17.2. Effect of any emergency. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions of 45CSR§30-5.7.c. are met.

[45CSR§30-5.7.b.]

- 2.17.3. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

- a. An emergency occurred and that the permittee can identify the cause(s) of the emergency;
- b. The permitted facility was at the time being properly operated;
- c. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and

- d. Subject to the requirements of 45CSR§30-5.1.c.3.C.1, the permittee submitted notice of the emergency to the Secretary within one (1) working day of the time when emission limitations were exceeded due to the emergency and made a request for variance, and as applicable rules provide. This notice, report, and variance request fulfills the requirement of 45CSR§30-5.1.c.3.B. This notice must contain a detailed description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

[45CSR§30-5.7.c.]

- 2.17.4. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.

[45CSR§30-5.7.d.]

- 2.17.5. This provision is in addition to any emergency or upset provision contained in any applicable requirement.

[45CSR§30-5.7.e.]

2.18. Federally-Enforceable Requirements

- 2.18.1. All terms and conditions in this permit, including any provisions designed to limit a source's potential to emit and excepting those provisions that are specifically designated in the permit as "State-enforceable only", are enforceable by the Secretary, USEPA, and citizens under the Clean Air Act.

[45CSR§30-5.2.a.]

- 2.18.2. Those provisions specifically designated in the permit as "State-enforceable only" shall become "Federally-enforceable" requirements upon SIP approval by the USEPA.

2.19. Duty to Provide Information

- 2.19.1. The permittee shall furnish to the Secretary within a reasonable time any information the Secretary may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Secretary copies of records required to be kept by the permittee. For information claimed to be confidential, the permittee shall furnish such records to the Secretary along with a claim of confidentiality in accordance with 45CSR31. If confidential information is to be sent to USEPA, the permittee shall directly provide such information to USEPA along with a claim of confidentiality in accordance with 40 C.F.R. Part 2.

[45CSR§30-5.1.f.5.]

2.20. Duty to Supplement and Correct Information

- 2.20.1. Upon becoming aware of a failure to submit any relevant facts or a submittal of incorrect information in any permit application, the permittee shall promptly submit to the Secretary such supplemental facts or corrected information.

[45CSR§30-4.2.]

2.21. Permit Shield

- 2.21.1. Compliance with the conditions of this permit shall be deemed compliance with any applicable requirements as of the date of permit issuance provided that such applicable requirements are included and are specifically

identified in this permit or the Secretary has determined that other requirements specifically identified are not applicable to the source and this permit includes such a determination or a concise summary thereof.

[45CSR§30-5.6.a.]

2.21.2. Nothing in this permit shall alter or affect the following:

- a. The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance; or
- b. The applicable requirements of the Code of West Virginia and Title IV of the Clean Air Act (Acid Deposition Control), consistent with § 408 (a) of the Clean Air Act.
- c. The authority of the Administrator of U.S. EPA to require information under § 114 of the Clean Air Act or to issue emergency orders under § 303 of the Clean Air Act.

[45CSR§30-5.6.c.]

2.22. Credible Evidence

2.22.1. Nothing in this permit shall alter or affect the ability of any person to establish compliance with, or a violation of, any applicable requirement through the use of credible evidence to the extent authorized by law. Nothing in this permit shall be construed to waive any defenses otherwise available to the permittee including but not limited to any challenge to the credible evidence rule in the context of any future proceeding.

[45CSR§30-5.3.e.3.B. and 45CSR38]

2.23. Severability

2.23.1. The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstance is held invalid by a court of competent jurisdiction, the remaining permit terms and conditions or their application to other circumstances shall remain in full force and effect.

[45CSR§30-5.1.e.]

2.24. Property Rights

2.24.1. This permit does not convey any property rights of any sort or any exclusive privilege.

[45CSR§30-5.1.f.4]

2.25. Acid Deposition Control

2.25.1. Emissions shall not exceed any allowances that the source lawfully holds under Title IV of the Clean Air Act (Acid Deposition Control) or rules of the Secretary promulgated thereunder.

- a. No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the acid deposition control program, provided that such increases do not require a permit revision under any other applicable requirement.
- b. No limit shall be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to noncompliance with any other applicable requirement.

- c. Any such allowance shall be accounted for according to the procedures established in rules promulgated under Title IV of the Clean Air Act.

[45CSR§30-5.1.d.]

- 2.25.2. Where applicable requirements of the Clean Air Act are more stringent than any applicable requirement of regulations promulgated under Title IV of the Clean Air Act (Acid Deposition Control), both provisions shall be incorporated into the permit and shall be enforceable by the Secretary and U. S. EPA.

[45CSR§30-5.1.a.2.]

3.0 Facility-Wide Requirements

3.1. Limitations and Standards

- 3.1.1. **Open burning.** The open burning of refuse by any person, firm, corporation, association or public agency is prohibited except as noted in 45CSR§6-3.1.
[45CSR§6-3.1.]
- 3.1.2. **Open burning exemptions.** The exemptions listed in 45CSR§6-3.1 are subject to the following stipulation: Upon notification by the Secretary, no person shall cause, suffer, allow or permit any form of open burning during existing or predicted periods of atmospheric stagnation. Notification shall be made by such means as the Secretary may deem necessary and feasible.
[45CSR§6-3.2.]
- 3.1.3. **Asbestos.** The permittee is responsible for thoroughly inspecting the facility, or part of the facility, prior to commencement of demolition or renovation for the presence of asbestos and complying with 40 C.F.R. § 61.145, 40 C.F.R. § 61.148, and 40 C.F.R. § 61.150. The permittee must notify the Secretary at least ten (10) working days prior to the commencement of any asbestos removal on the forms prescribed by the Secretary if the permittee is subject to the notification requirements of 40 C.F.R. § 61.145(b)(3)(i). A copy of this notice is required to be sent to the USEPA, the Division of Waste Management and the Bureau for Public Health - Environmental Health.
[40 C.F.R. 61 and 45CSR15]
- 3.1.4. **Odor.** No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor at any location occupied by the public.
[45CSR§4-3.1 State-Enforceable only.]
- 3.1.5. **Standby plan for reducing emissions.** When requested by the Secretary, the permittee shall prepare standby plans for reducing the emissions of air pollutants in accordance with the objectives set forth in Tables I, II, and III of 45CSR11.
[45CSR§11-5.2]
- 3.1.6. **Emission inventory.** The permittee is responsible for submitting, on an annual basis, an emission inventory in accordance with the submittal requirements of the Division of Air Quality.
[W.Va. Code § 22-5-4(a)(14)]
- 3.1.7. **Ozone-depleting substances.** For those facilities performing maintenance, service, repair or disposal of appliances, the permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 C.F.R. Part 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
- a. Persons opening appliances for maintenance, service, repair, or disposal must comply with the prohibitions and required practices pursuant to 40 C.F.R. §§ 82.154 and 82.156.
 - b. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 C.F.R. § 82.158.

- c. Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 C.F.R. § 82.161.

[40 C.F.R. 82, Subpart F]

- 3.1.8. **Risk Management Plan.** Should this stationary source, as defined in 40 C.F.R. § 68.3, become subject to Part 68, then the owner or operator shall submit a risk management plan (RMP) by the date specified in 40 C.F.R. § 68.10 and shall certify compliance with the requirements of Part 68 as part of the annual compliance certification as required by 40 C.F.R. Part 70 or 71.

[40 C.F.R. 68]

3.2. Monitoring Requirements

- 3.2.1. Reserved.

3.3. Testing Requirements

- 3.3.1. **Stack testing.** As per provisions set forth in this permit or as otherwise required by the Secretary, in accordance with the West Virginia Code, underlying regulations, permits and orders, the permittee shall conduct test(s) to determine compliance with the emission limitations set forth in this permit and/or established or set forth in underlying documents. The Secretary, or his duly authorized representative, may at his option witness or conduct such test(s). Should the Secretary exercise his option to conduct such test(s), the operator shall provide all necessary sampling connections and sampling ports to be located in such manner as the Secretary may require, power for test equipment and the required safety equipment, such as scaffolding, railings and ladders, to comply with generally accepted good safety practices. Such tests shall be conducted in accordance with the methods and procedures set forth in this permit or as otherwise approved or specified by the Secretary in accordance with the following:
 - a. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with 40 C.F.R. Parts 60, 61, and 63, if applicable, in accordance with the Secretary's delegated authority and any established equivalency determination methods which are applicable.
 - b. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with applicable requirements which do not involve federal delegation. In specifying or approving such alternative testing to the test methods, the Secretary, to the extent possible, shall utilize the same equivalency criteria as would be used in approving such changes under Section 3.3.1.a. of this permit.
 - c. All periodic tests to determine mass emission limits from or air pollutant concentrations in discharge stacks and such other tests as specified in this permit shall be conducted in accordance with an approved test protocol. Unless previously approved, such protocols shall be submitted to the Secretary in writing at least thirty (30) days prior to any testing and shall contain the information set forth by the Secretary. In addition, the permittee shall notify the Secretary at least fifteen (15) days prior to any testing so the Secretary may have the opportunity to observe such tests. This notification shall include the actual date and time during which the test will be conducted and, if appropriate, verification that the tests will fully conform to a referenced protocol previously approved by the Secretary.

[WV Code § 22-5-4(a)(15) and 45CSR13]

3.4. Recordkeeping Requirements

- 3.4.1. **Monitoring information.** The permittee shall keep records of monitoring information that include the following:
- a. The date, place as defined in this permit and time of sampling or measurements;
 - b. The date(s) analyses were performed;
 - c. The company or entity that performed the analyses;
 - d. The analytical techniques or methods used;
 - e. The results of the analyses; and
 - f. The operating conditions existing at the time of sampling or measurement.

[45CSR§30-5.1.c.2.A.]

- 3.4.2. **Retention of records.** The permittee shall retain records of all required monitoring data and support information for a period of at least five (5) years from the date of monitoring sample, measurement, report, application, or record creation date. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit. Where appropriate, records may be maintained in computerized form in lieu of the above records.

[45CSR§30-5.1.c.2.B.]

- 3.4.3. **Odors.** For the purposes of 45CSR4, the permittee shall maintain a record of all odor complaints received, any investigation performed in response to such a complaint, and any responsive action(s) taken.

[45CSR§30-5.1.c. State-Enforceable only.]

3.5. Reporting Requirements

- 3.5.1. **Responsible official.** Any application form, report, or compliance certification required by this permit to be submitted to the DAQ and/or USEPA shall contain a certification by the responsible official that states that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.

[45CSR§§30-4.4. and 5.1.c.3.D.]

- 3.5.2. A permittee may request confidential treatment for the submission of reporting required under 45CSR§30-5.1.c.3. pursuant to the limitations and procedures of W.Va. Code § 22-5-10 and 45CSR31.

[45CSR§30-5.1.c.3.E.]

- 3.5.3. All notices, requests, demands, submissions and other communications required or permitted to be made to the Secretary of DEP and/or USEPA shall be made in writing and shall be deemed to have been duly given when delivered by hand, mailed first class or by private carrier with postage prepaid to the address(es) set forth below or to such other person or address as the Secretary of the Department of Environmental Protection may designate:

If to the DAQ:

Director
WVDEP
Division of Air Quality
601 57th Street SE
Charleston, WV 25304

Phone: 304/926-0475
FAX: 304/926-0478

If to the US EPA:

Associate Director
Office of Enforcement and Permits Review
(3AP12)
U. S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

- 3.5.4. **Certified emissions statement.** The permittee shall submit a certified emissions statement and pay fees on an annual basis in accordance with the submittal requirements of the Division of Air Quality.
[45CSR§30-8.]
- 3.5.5. **Compliance certification.** The permittee shall certify compliance with the conditions of this permit on the forms provided by the DAQ. In addition to the annual compliance certification, the permittee may be required to submit certifications more frequently under an applicable requirement of this permit. The annual certification shall be submitted to the DAQ and USEPA on or before March 15 of each year, and shall certify compliance for the period ending December 31. The permittee shall maintain a copy of the certification on site for five (5) years from submittal of the certification.
[45CSR§30-5.3.e.]
- 3.5.6. **Semi-annual monitoring reports.** The permittee shall submit reports of any required monitoring on or before September 15 for the reporting period January 1 to June 30 and on or before March 15 for the reporting period July 1 to December 31. All instances of deviation from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with 45CSR§30-4.4.
[45CSR§30-5.1.c.3.A.]
- 3.5.7. **Emergencies.** For reporting emergency situations, refer to Section 2.17 of this permit.
- 3.5.8. **Deviations.**
- a. In addition to monitoring reports required by this permit, the permittee shall promptly submit supplemental reports and notices in accordance with the following:
 1. Any deviation resulting from an emergency or upset condition, as defined in 45CSR§30-5.7., shall be reported by telephone or telefax within one (1) working day of the date on which the permittee becomes aware of the deviation, if the permittee desires to assert the affirmative defense in accordance with 45CSR§30-5.7. A written report of such deviation, which shall include the probable cause of such deviations, and any corrective actions or preventative measures taken, shall be submitted and certified by a responsible official within ten (10) days of the deviation.
 2. Any deviation that poses an imminent and substantial danger to public health, safety, or the environment shall be reported to the Secretary immediately by telephone or telefax. A written report

of such deviation, which shall include the probable cause of such deviation, and any corrective actions or preventative measures taken, shall be submitted by the responsible official within ten (10) days of the deviation.

3. Deviations for which more frequent reporting is required under this permit shall be reported on the more frequent basis.
4. All reports of deviations shall identify the probable cause of the deviation and any corrective actions or preventative measures taken.

[45CSR§30-5.1.c.3.C.]

- b. The permittee shall, in the reporting of deviations from permit requirements, including those attributable to upset conditions as defined in this permit, report the probable cause of such deviations and any corrective actions or preventive measures taken in accordance with any rules of the Secretary.

[45CSR§30-5.1.c.3.B.]

- 3.5.9. **New applicable requirements.** If any applicable requirement is promulgated during the term of this permit, the permittee will meet such requirements on a timely basis, or in accordance with a more detailed schedule if required by the applicable requirement.

[45CSR§30-4.3.h.1.B.]

3.6. Compliance Plan

- 3.6.1. Reserved.

3.7. Permit Shield

- 3.7.1. The permittee is hereby granted a permit shield in accordance with 45CSR§30-5.6. The permit shield applies provided the permittee operates in accordance with the information contained within this permit.
- 3.7.2. The following requirements specifically identified are not applicable to the source based on the determinations set forth below. The permit shield shall apply to the following requirements provided the conditions of the determinations are met.
 - a. Consent Order CO-R-6, 13-E-2001-9
All of the requirements of this CO were not completed as of the issue of the initial permit. Thus, the incomplete requirements were included in condition III.B.2.a.xii. in the initial permit. A letter dated January 7, 2002 from the permittee to the DAQ requests termination of the CO since the permittee had by that time met the terms of the CO. The permittee fulfilled the requirements set forth in III.B.2.a.xii. of the initial Title V permit; therefore, these particular requirements will not be included in permit R30-03900036-2006.
 - b. Consent Order, Certified Mail Article # 7003 1010 0003 5770 9991
This consent order was not included in the initial Title V permit, but was entered during the term of the initial permit. The NOV and C&D was issued to the permittee on February 19, 2004. The basis for the order was that 9/01/2003 testing indicated particulate matter concentration in the incinerator exhaust gases was 0.046 grains/dry standard cubic foot, which exceeds the limit of 0.03 grains/dry standard cubic foot, set

forth in 40 C.F.R. 60 Subpart Ce, §60.33e(a). Note that 45CSR16 incorporates by reference 40 C.F.R. 60 Subparts Ce and Ec. The permittee was ordered to conduct performance testing for PM and opacity within 60 days of the issue of the NOV and CO, as well as provide a detailed explanation of the causes of the violation, and steps taken to ensure the violation is not repeated.

As required in the Consent Order, the permittee provided an explanation in a letter dated 02/25/2004, which indicated reasons for the exceedance of the PM limit, which were: damage to the control device, a hole in the stack, and a possible inaccurate flow meter. All of the known deficiencies were either repaired or replaced.

The permittee performed testing for PM emission rate and concentration and opacity on April 15, 2004. The test report was received by the DAQ on May 6, 2004. Test results indicated compliance with opacity, PM emission rate, and the PM concentration limits. The PM hourly emission rate and concentration increased with each of the three (3) runs performed during the complete test. The third run measured a PM concentration of 0.0296 gr/dscf, which was barely under the limit of 0.03 gr/dscf. The permittee successfully completed the ordered testing within the 60 days from the date of the NOV, and the test results indicated the emissions were brought back into compliance with the applicable limits.

The permittee complied with the terms of the Consent Order, and there were no on-going requirements that were initiated by the CO. Therefore, no schedule for compliance or requirements from this particular CO will be included in the permit.

c. 40 C.F.R. 63 Subpart DDDDD – *National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters*

The Consumat incinerator (Emission Unit ID 1S) meets the definition of a hospital/medical/infectious waste incinerator; therefore, the Consumat incinerator is not subject to Subpart DDDDD in accordance with the definition of boilers and process heaters which are not subject, as set forth in §63.7491(b).

Additionally, the permittee operates three (3) natural gas-fired boilers at the facility. The boilers are capable of being fired by fuel oil, and a small amount of fuel oil is kept on site for emergency conditions.

Criteria	Boiler #1	Boiler #2	Boiler #3
Manufacturer	Erie City Boiler	Keeler Boiler	Keeler Boiler
Year Built	1963	1971	1971
Heat Input	20 MMBtu/hr	30 MMBtu/hr	30 MMBtu/hr
Fuel	Natural gas	Natural gas	Natural gas
Type	Water tube	Water tube	Water tube

All three boilers in the table above are “existing” units, according to the definitions of new and existing in §§63.7490(b) and (d), respectively. All three boilers in the table above meet the definition in §63.7575 of a “Large gaseous fuel subcategory” boiler since they are water tube type, burn gaseous fuel not combined with solid fuel, and burn liquid fuel only during periods of gas curtailment or gas supply emergencies, and the DHI is greater than 10 MMBtu/hr. In §63.7500(a)(1) and (2), the requirements for each subcategory are stated as being found in Tables 1 through 4 of the Subpart DDDDD. There are no requirements in Table 1 for an “Existing large gaseous fuel” unit. Furthermore, the subsequent tables of Subpart DDDDD

are not applicable to the boilers. Should any of the three boilers in the table above be defined as “limited use”, the unit would remain exempt from the requirements of Subpart DDDDD as long as the unit meets the definition of an “existing” unit. Should any boiler in the table above be “reconstructed” as defined by §63.7490(c), whether the unit be “limited use” or not, the unit may become subject to certain requirements set forth in Subpart DDDDD.

- d. 40 C.F.R. 62 Subpart HHH - *Federal Plan Requirements for Hospital/Medical/Infectious Waste Incinerators*. The incinerator (Emission Unit ID 1S) is covered by an EPA approved and effective State plan 45CSR24, and therefore is not subject to this standard according to the applicability rules of Subpart HHH.
- e. 45CSR20 - *Good Engineering Practice as Applicable to Stack Heights*. This regulation does not apply as all stacks are less than 213 feet (65 meters).
- f. 45CSR21 - *To Prevent and Control Air Pollution from the Emission of Volatile Organic Compounds*. This regulation does not apply as theoretical VOC emissions are less than the 100 ton per year threshold.
- g. 40 C.F.R. 60 Subpart E – *Standards of Performance for Incinerators*. According to applicability criterion in 40 C.F.R. § 60.50(a), this subpart applies to incinerators with a charging rate greater than 50 tons per day. The permittee’s incinerator charges waste at a maximum rate of $(470 \text{ lb/hr}) \times (8 \text{ hr operation/day}) \times (1 \text{ ton}/2000 \text{ lb}) = 1.88 \text{ ton/day}$; therefore, this subpart is not applicable to the permittee’s incinerator.
- h. 40 C.F.R. 60 Subpart Ec – *Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for which Construction is Commenced After June 20, 1996*. The permittee’s incinerator was initially constructed in 1991, and wet scrubber emission control device was added in 2000 to control emissions of particulate matter (PM) and hydrogen chloride (HCl). The wet scrubber was added to comply with 40 C.F.R. 60 Subpart Ce. In 40 C.F.R. § 60.50c(h), physical or operational changes for the sole purpose of complying with Subpart Ce are not considered a modification and do not make the HMIWI subject to Subpart Ec. It should be noted, however, that the facility is subject to 45CSR24, which incorporates by reference many of the requirements of 40 C.F.R. 60 Subpart Ec. The fact that the facility is not directly subject to Subpart Ec does not relieve the facility from being subject to certain requirements contained in Subpart Ec that are incorporated by reference into applicable regulation 45CSR24.
- i. 40 C.F.R. 60 Subpart Kb - *Standards of Performance for Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced after July 23, 1984*. The permittee has a 10,000-gallon capacity, underground storage tank for #2 fuel oil. The tank was constructed in 1998. The permittee also uses a 250-gallon capacity day tank for the facility’s 800-kW emergency generator. This data was taken from the application for permit R30-03900036-2001. 40 C.F.R. 60 Subpart Kb is applicable to tanks greater than 75-m^3 (19,813 gallon) capacity. Since the volume capacity of the permittee’s tanks are less than applicable volume range this NSPS to apply, these two (2) tanks are not subject to 40 C.F.R. 60 Subpart Kb.
- j. 45CSR27 – *To Prevent and Control the Emissions of Toxic Air Pollutants*. The permittee conservatively estimated potential usage of ethylene oxide in amount of 339 lb/yr, which is generated by the sterilization unit. This PTE was taken from the application for permit R30-03900036-2001. Since the potential total emissions that may be emitted is less than the applicable limit of 500 lb/yr set forth by 45CSR§27-3.1., the permittee is not required to employ best available technology (BAT) as prescribed in 45CSR27.

4.0 Source-Specific Requirements [Waste Incinerator, Emission Point ID: 3E]

4.1. Limitations and Standards

- 4.1.1. Mass emissions to the atmosphere from the permitted facility shall not exceed the following hourly and annual limits:

Pollutant	Emissions (lb/hr)	Emissions (ton/year)
Particulate Matter	0.70	3.07
Sulfur Dioxide	0.70	3.07
Nitrogen Oxides	1.80	7.88
Carbon Monoxide	0.40	1.75
Volatile Organic Compounds	0.07	0.31
Hydrogen Chloride	1.02	2.98

Compliance with the streamlined limit for particulate matter assures compliance with 45CSR§6-4.1.

[45CSR13, R13-1311A, A.1., and 45CSR§6-4.1.]

- 4.1.2. The secondary chamber temperature shall be maintained at 1,800°F or above during the combustion of waste.
[45CSR13, R13-1311A, A.2.]
- 4.1.3. The waste feed rate to the incinerator shall not exceed 470 lb/hr.
[45CSR13, R13-1311A, A.3.]
- 4.1.4. Emissions from the Consumat C-125PA-2 medical waste incinerator shall be controlled by an ISI-500 wet scrubber, prior to release to the atmosphere. The ISI-500 wet scrubber shall be designed to meet the emission limits set forth in permit condition 4.1.1., for hydrogen chloride and particulate matter emissions.
[45CSR13, R13-1311A, A.4.]
- 4.1.5. The facility shall only incinerate hospital medical waste and municipal waste such as cardboard, paper, and regular trash related to the permittee's facility.
[45CSR13, R13-1311A, A.5.]
- 4.1.6. The incinerator shall incorporate instrumentation to provide a continuous temperature readout indicating the secondary combustion chamber's temperature.
[45CSR13, R13-1311A, A.6.]
- 4.1.7. The facility must be modified and operated in accordance with the information filed in Permit Application R13-1311 and R13-1311A.
[45CSR13, R13-1311A, A.7. and C.3.]

- 4.1.8. **Emission of Visible Particulate Matter** – On and after the date on which the initial performance test is completed or is required to be completed under 40 C.F.R. § 60.8, whichever date comes first, the permittee shall not cause to be discharged into the atmosphere from the stack of the incinerator any gases that exhibit greater than 10 percent opacity (6-minute block average). Compliance with this streamlined limit ensures compliance with 45CSR§§6-4.3. and 4.4., and permit R13-1311A, condition B.3.
[45CSR§24-4.3.g.; 40 C.F.R. § 60.52c(b); 45CSR§§6-4.3. and 4.4.; 45CSR13, R13-1311A, B.3., B.4., and B.5.]
- 4.1.9. No person shall cause, suffer, allow, or permit the emission of particles of unburned or partially burned refuse or ash from any incinerator which are large enough to be individually distinguished in the open air.
[45CSR13, R13-1311A, B.3., and 45CSR§6-4.5.]
- 4.1.10. Incinerators, including all associated equipment and grounds, shall be designed, operated and maintained so as to prevent the emission of objectionable odors.
[45CSR13, R13-1311A, B.3., and 45CSR§6-4.6.]
- 4.1.11. **Incineration of Residues and Hazardous Materials** – Persons responsible for the incineration of hazardous materials such as insecticides, empty insecticide containers, toxic materials, certain chemical residues, explosives, used bandages, and other medical wastes, pathological wastes, human and animal remains and other like materials shall give the utmost care and consideration to the potential harmful effects of the emissions resulting from such activities. Evaluation of these facilities as to adequacy, efficiency and emission potential will be made on an individual basis by the Director, working in conjunction with other appropriate governmental agencies.
[45CSR13, R13-1311A, B.3., and 45CSR§6-4.7.]
- 4.1.12. Each existing HMIWI shall comply with the emission limits presented in the following table:

Pollutant	Emission Limit
PM	69 mg/dscm
CO	40 ppm _v
Dioxins/furans	125 ng/dscm CCD/CDF
	2.3 ng/dscm TEQ
HCl	100 ppm _v or 93% reduction
SO ₂	55 ppm _v
NO _x	250 ppm _v
Lead	1.2 mg/dscm or 70% reduction
Cadmium	0.16 mg/dscm or 65% reduction
Mercury	0.55 mg/dscm or 85% reduction

[R13-1311A, B.5., and 45CSR§24-4.3.a.]

4.1.13. Operator Training and Qualification Requirements.

- a. The permittee shall not allow the incinerator to operate at any time unless a fully trained and qualified HMIWI operator is accessible, either at the facility or available within 1 hour. The trained and qualified HMIWI operator may operate the HMIWI directly or be the direct supervisor of one or more HMIWI operators.
- b. Operator training and qualification shall be obtained through a State-approved program or by completing the requirements included in 40 C.F.R. §§ 60.53c(c) through (g) (4.1.13.c. through g.).
- c. Training shall be obtained by completing an HMIWI operator training course that includes, at a minimum, the provisions given in 40 C.F.R. §§ 60.53c(c)(1) through (3).
- d. Qualification shall be obtained by: (1) Completion of a training course that satisfies the criteria under 40 C.F.R. § 60.53c(c) (4.1.13.c.); and (2) Either 6 months experience as an HMIWI operator, 6 months experience as a direct supervisor of an HMIWI operator, or completion of at least two burn cycles under the observation of two qualified HMIWI operators.
- e. Qualification is valid from the date on which the examination is passed or the completion of the required experience, whichever is later.
- f. To maintain qualification, the trained and qualified HMIWI operator shall complete and pass an annual review or refresher course of at least 4 hours covering, at a minimum, the criteria set forth in 40 C.F.R. §§ 60.53c(f)(1) through (5).
- g. A lapsed qualification shall be renewed by one of the following methods: (1) For a lapse of less than 3 years, the HMIWI operator shall complete and pass a standard annual refresher course described in 40 C.F.R. § 60.53c(f) (4.1.13.f.). (2) For a lapse of 3 years or more, the HMIWI operator shall complete and pass a training course with the minimum criteria described in paragraph 40 C.F.R. § 60.53c(c) (4.1.13.c.).
- h. The permittee shall maintain documentation at the facility that address the criteria set forth in 40 C.F.R. §§ 60.53c(h)(1) through (10).
- i. The permittee shall establish a program for reviewing the information listed in 40 C.F.R. § 60.53c(h) (4.1.13.h.) annually with each HMIWI operator (defined in 40 C.F.R. § 60.51c).
 - i. The initial review of the information listed in 40 C.F.R. § 60.53c(h) (4.1.13.h.) shall be conducted within 6 months after the effective date of 40 C.F.R. Part 60 Subpart Ec or prior to assumption of responsibilities affecting HMIWI operation, whichever date is later.
 - ii. Subsequent reviews of the information listed in 40 C.F.R. § 60.53c(h) (4.1.13.h.) shall be conducted annually.
- j. The information listed in 40 C.F.R. § 60.53c(h) (4.1.13.h.) shall be kept in a readily accessible location for all HMIWI operators. This information, along with records of training shall be available for inspection by the EPA or its delegated enforcement agent upon request.

[R13-1311A, B.5.; 45CSR§24-4.3.b.; 40 C.F.R. § 60.53c]

4.1.14. Waste Management Plan.

The permittee shall prepare a waste management plan. The waste management plan shall identify both the feasibility and the approach to separate certain components of solid waste from the health care waste stream in order to reduce the amount of toxic emissions from incinerated waste. A waste management plan may include, but is not limited to, elements such as paper, cardboard, plastics, glass, battery, or metal recycling; or purchasing recycled or recyclable products. A waste management plan may include different goals or approaches for different areas or departments of the facility and need not include new waste management goals for every waste stream. It should identify, where possible, reasonably available additional waste management measures, taking into account the effectiveness of waste management measures already in place, the costs of additional measures, the emission reductions expected to be achieved, and any other environmental or energy

impacts they might have. The American Hospital Association publication entitled “An Ounce of Prevention: Waste Reduction Strategies for Health Care Facilities” (incorporated by reference, see 40 C.F.R. §60.17) shall be considered in the development of the waste management plan.

[R13-1311A, B.5.; 45CSR§24-4.3.c.; 40 C.F.R. § 60.55c]

4.2. Monitoring Requirements

- 4.2.1. Compliance with hourly emissions limits in permit condition 4.1.1. shall be demonstrated by calculating and certifying the charge rate on the fifteenth day of each month. The amount of material burned and hours of operation shall be monitored and recorded monthly. The permittee shall operate and maintain the incinerator in accordance with the manufacturer's recommendations and specifications and in a manner consistent with good operating practices and shall only burn natural gas. These records shall be certified by a responsible official and maintained on-site for a period of five (5) years and shall be made available to any authorized representative of the Director, upon the presentation of credentials.

[45CSR§30-5.1.c.]

- 4.2.2. Monitoring requirements specified in 40 C.F.R. § 60.57c.

- a. The permittee shall install, calibrate (to manufacturers' specifications), maintain, and operate devices (or establish methods) for monitoring the applicable maximum and minimum operating parameters listed in Table 3 of 40 C.F.R. 60 Subpart Ec such that these devices (or methods) measure and record values for these operating parameters at the frequencies indicated in Table 3 of 40 C.F.R. 60 Subpart Ec at all times except during periods of startup and shutdown. The monitored parameters, their respective data measurement and data recording frequencies, are set forth in the following table, which summarizes the applicable requirements of Table 3 of 40 C.F.R. 60 Subpart Ec.

Operating Parameter to be Monitored	Minimum Data Measurement Frequency	Minimum Data Recording Frequency
Maximum HMIWI Charge Rate	Continuous	Once per hour
Maximum Flue Gas Temperature	Continuous	Once per minute
Minimum Secondary Chamber Temperature	Continuous	Once per minute
Minimum Pressure Drop across the Wet Scrubber	Continuous	Once per minute
Minimum Scrubber Liquor Flow Rate	Continuous	Once per minute
Minimum Scrubber Liquor pH	Continuous	Once per minute

- b. The permittee shall install, calibrate (to manufacturers' specifications), maintain, and operate a device or method for measuring the use of the bypass stack including date, time, and duration.
- c. The permittee shall obtain monitoring data at all times during HMIWI operation except during periods of monitoring equipment malfunction, calibration, or repair. At a minimum, valid monitoring data shall be obtained for 75 percent of the operating hours per day and for 90 percent of the operating days per calendar quarter that the affected facility is combusting hospital waste and/or medical/infectious waste.

[R13-1311A, B.5.; 45CSR§24-4.3.e.; 40 C.F.R. § 60.57c]

4.3. Testing Requirements

- 4.3.1. To determine compliance with emission limitations in permit condition 4.1.1., the permittee shall, at the discretion of the Director, conduct the appropriate tests to determine compliance.

[45CSR13, R13-1311A, B.8.]

4.3.2. Compliance and Performance Testing.

- a. The emission limits under 45CSR§24-4.3.a. (permit condition 4.1.12.) apply at all times except during periods of startup, shutdown, or malfunction, provided that no hospital waste or medical/infectious waste is charged to the affected facility during startup, shutdown, or malfunction.
- b. The permittee shall conduct an initial performance test as required under 40 C.F.R. § 60.8 to determine compliance with the emission limits using the procedures and test methods listed in 40 C.F.R. §§ 60.56c(b)(1) through (b)(12). The use of the bypass stack during a performance test shall invalidate the performance test.
- c. Following the date on which the initial performance test is completed or is required to be completed under §60.8, whichever date comes first, the permittee shall:
 - i. Determine compliance with the opacity limit (permit condition 4.1.8.) by conducting an annual performance test (no more than 12 months following the previous performance test) using the applicable procedures and test methods listed in §60.56c(b) (4.3.2.b.).
 - ii. Determine compliance with the PM, CO, and HCl emission limits by conducting an annual performance test (no more than 12 months following the previous performance test) using the applicable procedures and test methods listed in §60.56c(b) (4.3.2.b.). If all three performance tests over a 3-year period indicate compliance with the emission limit for a pollutant (PM, CO, or HCl), the permittee may forego a performance test for that pollutant for the subsequent 2 years. At a minimum, a performance test for PM, CO, and HCl shall be conducted every third year (no more than 36 months following the previous performance test). If a performance test conducted every third year indicates compliance with the emission limit for a pollutant (PM, CO, or HCl), the permittee may forego a performance test for that pollutant for an additional 2 years. If any performance test indicates noncompliance with the respective emission limit, a performance test for that pollutant shall be conducted annually until all annual performance tests over a 3-year period indicate compliance with the emission limit. The use of the bypass stack during a performance test shall invalidate the performance test.
- d. For use of the web scrubber control device, the permittee shall:
 - i. Establish the appropriate maximum and minimum operating parameters, indicated in Table 3 of 40 C.F.R. 60 Subpart Ec for the wet scrubber, as site specific operating parameters during the initial performance test to determine compliance with the emission limits; and
 - a. The maximum charge rate shall be either the maximum charge rate established during the initial or any subsequent performance test to determine compliance with the emission limits or the permitted value in permit condition 4.1.3., whichever is lower.
 - b. The minimum secondary chamber temperature shall be either the minimum secondary chamber temperature established during the initial or any subsequent performance test to determine compliance with the emission limits or the permitted value in permit condition 4.1.2., whichever provides the more stringent limitations of emissions.
 - c. The minimum scrubber pH shall be either the minimum scrubber pH established during the initial or any subsequent performance test to determine compliance with the emission limits or 6.0, whichever is greater.
 - ii. Following the date on which the initial performance test is completed or is required to be completed under §60.8, whichever date comes first, ensure that the affected facility does not operate above any of

- the applicable maximum operating parameters or below any of the applicable minimum operating parameters listed in Table 3 of 40 C.F.R. 60 Subpart Ec, and measured as 3-hour rolling averages (calculated each hour as the average of the previous 3 operating hours) at all times from the time of the first charge to the incinerator until at least 5-hours after the high-air phase of combustion is complete when shutdown commences, and during any malfunction. Operating parameter limits do not apply during performance tests. Operation above the established maximum or below the established minimum operating parameter(s) shall constitute a violation of established operating parameter(s).
- e. Except during a repeat performance test pursuant to 40 C.F.R § 60.56c(h) (4.3.2.f.) performed within 30 days of violation of applicable operating parameter(s) to demonstrate that the affected facility is not in violation of the applicable emission limit(s), the following apply:
 - i. Operation of the incinerator above the maximum charge rate and below the minimum pressure drop across the wet scrubber or below the minimum horsepower or amperage to the system (each measured on a 3-hour rolling average during the period of time from the first charge to the incinerator until at least 5-hours after the high-air phase of combustion is complete when shutdown commences) simultaneously shall constitute a violation of the PM emission limit.
 - ii. Operation of the incinerator above the maximum charge rate and below the minimum secondary chamber temperature (each measured on a 3-hour rolling average during the period of time from the first charge to the incinerator until at least 5-hours after the high-air phase of combustion is complete when shutdown commences) simultaneously shall constitute a violation of the CO emission limit.
 - iii. Operation of the incinerator above the maximum charge rate, below the minimum secondary chamber temperature, and below the minimum scrubber liquor flow rate (each measured on a 3-hour rolling average during the period of time from the first charge to the incinerator until at least 5-hours after the high-air phase of combustion is complete when shutdown commences) simultaneously shall constitute a violation of the dioxin/furan emission limit.
 - iv. Operation of the incinerator above the maximum charge rate and below the minimum scrubber liquor pH (each measured on a 3-hour rolling average during the period of time from the first charge to the incinerator until at least 5-hours after the high-air phase of combustion is complete when shutdown commences) simultaneously shall constitute a violation of the HCl emission limit.
 - v. Operation of the incinerator above the maximum flue gas temperature and above the maximum charge rate (each measured on a 3-hour rolling average during the period of time from the first charge to the incinerator until at least 5-hours after the high-air phase of combustion is complete when shutdown commences) simultaneously shall constitute a violation of the Hg emission limit.
 - vi. Use of the bypass stack (except during startup, shutdown, or malfunction) shall constitute a violation of the PM, dioxin/furan, HCl, Pb, Cd and Hg emission limits.
 - f. The permittee may conduct a repeat performance test within 30 days of violation of applicable operating parameter(s) to demonstrate that the affected facility is not in violation of the applicable emission limit(s). Repeat performance tests conducted pursuant to this paragraph shall be conducted using the identical operating parameters that indicated a violation under §60.56c(f) (permit condition 4.3.2.e.).
 - g. The permittee may conduct a repeat performance test at any time to establish new values for the operating parameters. The Director may request a repeat performance test at any time.

[R13-1311A, B.5.; 45CSR§24-4.3.d.; 40 C.F.R. § 60.56c]

4.4. Recordkeeping Requirements

- 4.4.1. To determine compliance with permit condition 4.1.3., the permittee shall maintain a certified record of the waste feed rate loaded into the incinerator, and record this data on ATTACHMENT #1 of this permit. All records must be signed by a "Responsible Official" within fifteen (15) calendar days after the end of the

calendar month utilizing the CERTIFICATION OF DATA ACCURACY statement attached to this permit. These records shall be maintained on site for a period of no less than five (5) years, and shall be made available to the Director or a duly authorized representative of the Director upon request.

[45CSR13, R13-1311A, B.9.]

4.4.2. The permittee shall maintain the following information for a period of at least 5 years:

- a. Calendar date of each record;
- b. Records of the following data:
 - i. HMIWI charge dates, times, and weights and hourly charge rates;
 - ii. Secondary chamber temperatures recorded during each minute of operation;
 - iii. Liquor flow rate to the wet scrubber inlet during each minute of operation;
 - iv. Pressure drop across the wet scrubber system during each minute of operation;
 - v. Temperature at the outlet from the wet scrubber during each minute of operation;
 - vi. pH at the inlet to the wet scrubber during each minute of operation.
 - vii. Records indicating use of the bypass stack, including dates, times, and durations.
- c. Identification of calendar days for which data on emission rates or operating parameters specified under permit condition 4.4.2.b. have not been obtained, with an identification of the emission rates or operating parameters not measured, reasons for not obtaining the data, and a description of corrective actions taken.
- d. Identification of calendar days, times and durations of malfunctions, a description of the malfunction and the corrective action taken.
- e. Identification of calendar days for which data on emission rates or operating parameters specified under permit condition 4.4.2.b. exceeded the applicable limits, with a description of the exceedances, reasons for such exceedances, and a description of corrective actions taken.
- f. The results of the initial, annual, and any subsequent performance tests conducted to determine compliance with the emission limits and/or to establish operating parameters, as applicable.
- g. Records showing the names of HMIWI operators who have completed review of the information in 40 C.F.R. §60.53c(h) as required by 40 C.F.R. §60.53c(i), including the date of the initial review and all subsequent annual reviews.
- h. Records showing the names of the HMIWI operators who have completed the operator training requirements, including documentation of training and the dates of the training.
- i. Records showing the names of the HMIWI operators who have met the criteria for qualification under §60.53c and the dates of their qualification.
- j. Records of calibration of any monitoring devices as required under 40 C.F.R. §§ 60.57c (a) and (b) (see permit conditions 4.2.2.a. and 4.2.2.b.).

[R13-1311A, B.5.; 45CSR§24-4.3.f.; 40 C.F.R. § 60.58c(b)]

4.5. Reporting Requirements

- 4.5.1. The permittee shall submit semiannual reports to the Director which include the information specified in paragraphs 40 C.F.R. §§ 60.58c (d)(1) through (d)(8), which are set forth below. The semiannual reports shall be submitted no later than 60 days following the reporting period. Subsequent reports shall be submitted no later than 6 calendar months following the previous report. All reports shall be signed by the facilities manager.
- a. The values for the site-specific operating parameters established pursuant to §60.56c(d) (permit condition 4.3.2.d.).
 - b. The highest maximum operating parameter and the lowest minimum operating parameter, as applicable, for each operating parameter recorded for the calendar year being reported, pursuant to §60.56c(d) (permit condition 4.3.2.d.).
 - c. The highest maximum operating parameter and the lowest minimum operating parameter, as applicable for each operating parameter recorded pursuant to 40 C.F.R. § 60.56c(d) for the calendar year preceding the year being reported, in order to provide the Director with a summary of the performance of the affected facility over a 2-year period.
 - d. Any information recorded under paragraphs 40 C.F.R. §§ 60.58c (b)(3) through (b)(5) (permit conditions 4.4.2.c., 4.4.2.d., and 4.4.2.e.) for the calendar year being reported.
 - e. Any information recorded under paragraphs 40 C.F.R. §§ 60.58c (b)(3) through (b)(5) (permit conditions 4.4.2.c., 4.4.2.d., and 4.4.2.e.) for the calendar year preceding the year being reported, in order to provide the Director with a summary of the performance of the affected facility over a 2-year period.
 - f. If a performance test was conducted during the reporting period, the results of that test.
 - g. If no exceedances or malfunctions were reported under paragraphs 40 C.F.R. §§ 60.58c (b)(3) through (b)(5) (permit conditions 4.4.2.c., 4.4.2.d., and 4.4.2.e.) for the calendar year being reported, a statement that no exceedances occurred during the reporting period.
 - h. Any use of the bypass stack, the duration, reason for malfunction, and corrective action taken.

[R13-1311A, B.5.; 45CSR§24-4.3.f.; 40 C.F.R. §§ 60.58c(d) and (e); 45CSR§30-12.7.]

- 4.5.2. All records specified under 40 C.F.R. § 60.58c(b) (permit condition 4.4.2.) shall be maintained onsite in either paper copy or computer-readable format, unless an alternative format is approved by the Director.

[R13-1311A, B.5.; 45CSR§24-4.3.f.; 40 C.F.R. § 60.58c(f)]

4.6. Compliance Plan

- 4.6.1. Not applicable.